

**Albert Slap**

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**From:** "Albert Slap" <albertslap@slaplaw.com>  
**To:** "Peter P. Murphy" <pmurphy@gibsondunn.com>  
**Cc:** <daltman@one.net>; "Marilyn Wall" <marilyn.wall@env-comm.org>; "Katie Danko" <katie@riversunlimited.org>  
**Sent:** Tuesday, February 03, 2004 2:14 PM  
**Subject:** Information on SIB

Dear Peter:

I respectfully request that you send me an updated data base on the sewage backup complaints for 2003 and 2004. My client needs this information in order to properly respond to the Judge's most recent order. The last database that you sent was on a CD-ROM and was in Microsoft Excel. That database ended sometime in 2002. Sierra Club was able to work with this database.

Also, the press reported that after the significant rainfall event in January 2004, there were over 500 complaints of sewage backups to MSD. The news reported that some 3/4 of the complaints were rejected on the basis that the problems were in the homeowners' laterals. The Sierra Club would like specific explanation regarding what was found wrong with these laterals, when something was found wrong in relation to the time and date of the complaint, and how the MSD determined that the problem was the homeowner's fault and not the MSD's fault, and who made the determination.

Also, there is some information on the MSD web site that the SIB claims program is subject to certain "limitations and legal conditions". Would you please clarify what limitations and legal conditions are applicable to the claims program? Whether MSD is requiring the SIB claimants to execute a legal release? If so, please provide a copy of the release so that we may review and evaluate it. Also, please indicate how a SIB victim can make a claim for diminished property value (partial or total condemnation), as opposed to damage to contents.

Finally, material on the MSD web site also states that, if MSD turns down a claim, it will provide the claimant with information regarding how to file the claim in state court. If any written materials have been developed regarding such an explanation, please provide us with a copy. If verbal statements have been made or will be made by MSD or Law Dept. personnel, please provide us with the substance of those statements.

Thank you for your prompt attention,

Sincerely,

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